

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANDY RUIZ, on behalf of himself
and all others similarly situated,

Plaintiff,

- against -

20-cv-08645 (LJL)

TRUFFA PIZZERIA & WINE ROOM
CORP. d/b/a COCINA CHENTE
MEXICAN CUISINE, and MOISES
LOPEZ SR., ROMA LOPEZ
and JUAN ROSARIO,
individually,

Defendants.
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Sandy Ruiz declares pursuant to 28 U.S.C. § 1747 under penalty of perjury that the following is true and correct:

Background

1. From on or about July 24, 2017 through May 1, 2020, I worked as a cook at Truffa Pizzeria & Wine Room Corp. d/b/a Cocina Chente Mexican Cuisine ("Cocina Chente"), which is owned and operated by Moises Lopez Sr. ("M. Lopez"), Roma Lopez ("R. Lopez") and Juan Rosario ("Rosario") (collectively "Defendants").
2. Defendants dictated my work schedule and rate of pay. Defendants also dictated the work schedule and rate of pay of other employees at Cocina Chente.
3. I am almost certain that every week I worked for Defendants, I worked more than 40 hours per week.
4. Specifically, I usually worked between 5 and 6 days per week for Defendants. Each day I usually worked from 2pm to 11pm without a lunch break.

5. Even though I virtually always worked more than 40 hours a week, Defendants never discussed with me overtime pay.
6. From on or about July 24, 2017 through on or about November 2017, I was paid \$500 per week.
7. From on or about December 2017 through on or about March 2018, I was paid \$600 per week.
8. From on or about April 2018 through on or about September 2019, I was paid \$650 per week.
9. From on or about October 2019 through on or about May 1, 2020, I was paid \$800 per week.
10. Defendants did not pay me for my overtime work performed.
11. I was often asked to perform duties "off the clock," such as picking up food supplies before or after my scheduled work shift.
12. Defendants paid me in cash at the end of every week.
13. When Defendants paid me in cash, they did not give me any documents listing the hours that I worked or the amount of money they were providing to me.
14. Throughout my employment, Defendants did not have a time clock machine. I was not required to clock a machine when I arrived and left work or sign a notebook.

Similarly Situated Employees

15. While I do not know the exact amount, I know that my former employer employed and employs other restaurant workers at Cocina Chente.

16. We would frequently discuss wages and the fact that we were not paid overtime with my co-workers.
17. For example, Claston complained to me that he was not being paid correctly multiple times. Specifically, that he was working long hours but not getting paid overtime. Claston, like me, was a cook, at Cocina Chente.
18. Claston worked six days a week and usually worked from 2:00 p.m. to approximately 11:30 p.m.
19. Claston has worked at Cocina Chente from 2019 through 2020.
20. Alexis is a food preparer and cook at Cocina Chente. Alexis complained to me numerous times that he was not being paid correctly.
21. Alexis works six days a week from 2:00 p.m. to approximately 11:00 p.m. and was only paid \$600 each week. Alexis was upset that he was working a lot of hours but that Defendants would not pay me for my hours.
22. Dishwashers at Defendants also were not paid correctly. Elido Cruz worked at Cocina Chente from 2019 through 2020. He also worked six days a week from 2:00 p.m. to approximately 11:30 but only was paid \$540 a week.
23. Cruz would often complain to me that he was working long hours but that he wasn't getting any overtime.
24. Finally, Jose Perez was a dishwasher from 2017 to 2018 at Cocina Chente. Perez worked six days a week from 2:00 p.m. to approximately 11:30 p.m. but was also only paid \$540 a week.
25. We discussed the fact that he was not being paid correctly and should be getting overtime.
26. All of the individuals I mentioned as well as myself were paid in cash by Defendants.

Dated: January 6, 2021
New York, New York


Sandy Ruiz